



Ira S. Nesenoff
Andrew T. Miltenberg

Barbara H. Trapasso
Ariya M. Waxman
Tara J. Davis
Diana R. Warshow
Gabrielle M. Vinci
Robert D. Werth
Jeffrey S. Berkowitz
Kara L. Gorycki

Philip A. Byler
Senior Litigation Counsel
Megan S. Goddard
Counsel
Rebecca C. Nunberg
Counsel
Marybeth Sydor
Title IX Consultant

January 17, 2018

VIA ECF

Hon. Judge Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Ruth Rojas Duarte v. St. Barnabas Hospital
Index No. 15-CV-6824 (PGG)

Dear Judge Gardephe:

Please be advised, the undersigned is counsel to plaintiff Ruth Rojas Duarte ("Plaintiff") in the above referenced matter. We write to respectfully request permission to make a minor amendment to the Parties' Proposed Joint Pretrial Order for the Jury Trial (the "JPTO") (Dkt. 79)¹. Specifically, Plaintiff seek to make a minimal change to Section I of the JPTO to identify newly retained trial counsel, Bruce Gitlin, Esq., of Gitlin, Horn, & Van de Kieft, L.L.P., 2095 Broadway, Suite 407, New York, New York 10023. The undersigned has reached out to Defendant's counsel who does not consent to the proposed amendment to identify Mr. Gitlin as counsel for Plaintiff.

The basis for this request is that Mr. Gitlin only agreed to join Plaintiff's legal team and act as trial counsel in this matter just yesterday afternoon. In light of Mr. Gitlin's very recent addition to Plaintiff's trial team, Plaintiff now seeks to supplement Section I of the JPTO to identify him as trial counsel. This proposed change is minor and would not substantively affect the case or the JPTO. Moreover, there is no prejudice to Defendant in permitting Plaintiff to merely identify additional counsel.

¹ Counsel notes that on January 12, 2018, the Parties filed a joint request to supplement and amend the JPTO to include additional exhibits which were inadvertently not listed in the Parties' initially filed draft. (Dkt. 101). The Court has not yet ruled on the Parties' application. Plaintiff requests that the present application to amend the JPTO solely to identify additional trial counsel be granted, irrespective of the Court's ruling on the Parties' initial request to supplement and amend.



ATTORNEYS AT LAW

Counsel remains available should Your Honor have any questions or concerns. Thank you.

**Respectfully submitted,
NESENOFF & MILTENBERG LLP**

**By: /S/ Gabrielle Vinci
Gabrielle M. Vinci, Esq.**

CC: All Counsel (Via ECF)